Remarks

Claims 1, 3-6, 9-16, 18-19, and 21-26 remain in the application. Claims 2, 7-8, 17 and 20 were previously canceled without prejudice. Claims 1, 9, 15, 16, and 21 are currently amended. No new matter is being added.

Claim Rejections -- 35 U.S.C. 102

Independent claims 1, 9, 15, 16 and 21 were rejected under 35 U.S.C. 102 as being anticipated by Sreejith et al (Pat. No. 7,239,608) (hereinafter "Sreejith"). This rejection is respectfully traversed with respect to the claims as they now stand.

Amended claim 1 recites as follows.

1. A method of assigning service priorities to traffic from a plurality of sources using meters, the method comprising:

receiving a packet that is placed into **a specific class of service (COS) group pertaining to a specific service being tracked and controlled**;

determining **a fabric-adjusted meter modifier depending on a payload size of the packet and on technology of a limiting uplink being used**; and

adding the fabric-adjusted meter modifier to a meter corresponding to the specific COS group, **wherein the meter comprises a counter that tracks traffic** associated with said specific service over a period of time, and wherein said adding updates the meter.

(Emphasis added.)

As discussed below, Sreejith does <u>not</u> disclose or suggest any of the three elements of claim 1.

A.   THE CITATION TO SREEJITH DOES NOT DISCLOSE OR SUGGEST
PLACING A RECEIVED PACKET INTO A SPECIFIC CLASS OF SERVICE
GROUP

Regarding the first element, amended claim 1 recites "receiving a packet
that is **placed into a specific class of service (COS) group** pertaining to a
specific service being tracked and controlled." (Emphasis added.) The added
claim language (clarifying that a specific COS group pertains to a specific service
being tracked and controlled) is supported in the original application on page 4,
lines 11-13, which states as follows. "The specific COS group may be labeled
'Ci' and pertains to a specific service being tracked and controlled. For example,
the service may relate to traffic from a particular customer via a specific uplink."

In contrast, the cited portion of Sreejith (fig. 3 and col. 6, lines 1-18) per
the latest office action relates to hardware circuitry for routing packets. In
particular, fig. 3 of Sreejith depicts an input-output processor (IOP) 216 within a
routing node 210 (see col. 6, lines 4-5), and col. 6, lines 1-18 relates to a packet
classification controller 305 which "examines the IP address of the received
packets and determines which data packets must be sent to the switch fabric
130 and which data packets may be sent back out via PMD 212 and PMD 214."
Per Sreejith, PMD stands for physical medium device. In other words, the cited
portion of Sreejith relates to hardware circuitry of an IOP within a routing node
which determines which packets can be sent out of the physical medium devices
connected to the IOP and which packets must be sent to the switch fabric of the
routing node.

Applicant respectfully submits that the above-discussed cited portion of
Sreejith does not disclose or suggest "receiving a packet that is **placed into a
specific class of service (COS) group** pertaining to a specific service being
tracked and controlled." At a high-level point-of-view, the above-discussed
citation to Sreejith pertains to relatively low-level hardware circuitry for routing
packets, while the claim limitation pertains to the relatively higher-level
functionality of tracking and controlling traffic for a specific service. More
particularly, there is no mention of class of service groups in the citation to
Sreejith.

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B.   THE CITATION TO SREEJITH DOES NOT DISCLOSE OR SUGGEST A
FABRIC-ADJUSTED METER MODIFIER DEPENDING ON A PAYLOAD SIZE
OF THE PACKET AND ON AN UPLINK TECHNOLOGY

Regarding the second element, amended claim 1 recites "determining **a
fabric-adjusted meter modifier depending on a payload size of the packet
and on technology of a limiting uplink being used**." (Emphasis added.) This
claim language is supported in the original specification, for example, on page 5,
lines 5-8.)

In contrast, the cited portion of Sreejith (col. 6, lines 17-37) per the latest
office action relates to load balancing in a router. In particular, col. 6, lines 17-37
relates to various components (including packet scheduler 310, load balancing
controller 315, load balancing table 320, and uplink load statistics table 325)
within an input-output processor 216 of a routing node 210. Measuring data
packet load statistics for uplink paths O1 and O2 and using the measured load
statistics to modify the routing table information for load balancing are disclosed.

Applicant respectfully submits that the above-discussed citation in Sreejith
does <u>not</u> disclose or "determining **a fabric-adjusted meter modifier depending
on a payload size of the packet and on technology of a limiting uplink
being used**." At a high-level point-of-view, the above-discussed citation to
Sreejith pertains to the relatively lower-level functionality of load balancing in a
router, while the claim limitation pertains to the relatively higher-level functionality
of tracking and controlling traffic for a specific service. More particularly, there is
no mention in the citation to Sreejith of a meter modifier depending on a payload
size, much less a fabric-adjusted meter modifier depending on a payload size
and uplink technology.

C.   THE CITATION TO SREEJITH DOES NOT DISCLOSE OR SUGGEST
ADDING A FABRIC-ADJUSTED METER MODIFIER TO A METER, WHEREIN
THE METER COMPRISES A COUNTER FOR TRACKING TRAFFIC

Regarding the second element, amended claim 1 recites "**adding the
fabric-adjusted meter modifier to a meter** corresponding to the specific COS
group, **wherein the meter comprises a counter that tracks traffic** associated
with said specific service over a period of time, and wherein said adding updates

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the meter." (Emphasis added.) That the meter comprises a counter that tracks traffic associated with the specific service over a period of time, and that said adding updates the meter, finds support in the original application, for example, on page 4, lines 15-20.

In contrast, the cited portion of Sreejith (col. 6, lines 17-37) per the latest office action relates to load balancing in a router. In particular, col. 6, lines 17-37 relates to various components (including packet scheduler 310, load balancing controller 315, load balancing table 320, and uplink load statistics table 325) within an input-output processor 216 of a routing node 210. Measuring data packet load statistics for uplink paths O1 and O2 and using the measured load statistics to modify the routing table information for load balancing are disclosed.

Applicant respectfully submits that the above-discussed citation in Sreejith does not disclose or "**adding the fabric-adjusted meter modifier to a meter** corresponding to the specific COS group, **wherein the meter comprises a counter that tracks traffic** associated with said specific service over a period of time, and wherein said adding updates the meter." At a high-level point-of-view, the above-discussed citation to Sreejith pertains to the relatively lower-level functionality of load balancing in a router, while the claim limitation pertains to the relatively higher-level functionality of tracking and controlling traffic for a specific service. More particularly, there is no mention in the citation to Sreejith of a counter that tracks traffic for a specific service, much less adding a fabric-adjusted meter modifier to such a counter.

In conclusion, applicant respectfully submits that amended claim 1 overcomes this rejection for at least the three reasons discussed above. For one or more similar reasons, applicant respectfully submits that amended claims 9, 15, 16, and 21 also overcome this rejection.

Claim Rejections -- 35 U.S.C. 103

Claims 3-6, 10-13, 18-19 and 25 were rejected under 35 USC 103 as being unpatentable over Sreejith in view of Mittal. This rejection is respectfully traversed.

Applicant respectfully submits that these dependent claims are patentably distinguished over Sreejith for at least the reasons discussed above in relation to the corresponding independent claims (1, 9, 16 and 21). Applicant further submits that Mittal does not cure the deficiencies of Sreejith. For example, as discussed in the response to the previous office action, Mittal does not disclose or suggest a meter modifier which depends upon technology of an uplink being used.

Therefore, applicant respectfully submits that dependent claims 3-6, 10-13, 18-19 and 25 overcome this rejection.

Claim 14 was rejected under 35 USC 103 as being unpatentable over Sreejith in view of Norrell. This rejection is respectfully traversed.

Applicant respectfully submits that claim 14 is patentably distinguished over Sreejith for at least the reasons discussed above in relation to base claim 9. Norrell is cited in relation to comparators and adders and does not cure the deficiencies of Sreejith. For example, Norrell does not disclose or suggest a meter modifier which depends upon technology of an uplink being used. Therefore, applicant respectfully submits that claim 14 overcomes this rejection.

Claims 22-24 were rejected under 35 USC 103 as being unpatentable over Sreejith in view of Valvo. This rejection is respectfully traversed.

Applicant respectfully submits that claims 22-24 are patentably distinguished over Sreejith for at least the reasons discussed above in relation to base claim 21. Applicant further submits that the citation to column 1 of Valvo does not cure the deficiencies of Sreejith. In particular, column 1 of Valvo pertains to the transport of Ethernet frames over an optical network and does not relate at all to metering traffic for a service. Therefore, applicant respectfully submits that claims 22-24 overcome this rejection.

Claim 26 was rejected under 35 USC 103 as being unpatentable over Sreejith in view of Mittal further in view of Norrell. This rejection is respectfully traversed.

Applicant respectfully submits that claim 26 is patentably distinguished over Sreejith for at least the reasons discussed above in relation to base claim 21. The addition of Mittal does <u>not</u> cure the deficiencies of Sreejith. For example, as discussed in the response to the previous office action, Mittal does not disclose or suggest a meter modifier which depends upon technology of an uplink being used. Norrell is cited in relation to comparators and also does <u>not</u> cure the deficiencies of Sreejith. For example, Norrell does not disclose or suggest a meter modifier which depends upon technology of an uplink being used. Therefore, applicant respectfully submits that claim 26 overcomes this rejection.
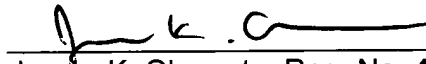
Conclusion

For the above-discussed reasons, applicant believes that the pending claims overcome the rejections of the latest office action and are in form for allowance. Favorable action is respectfully requested.
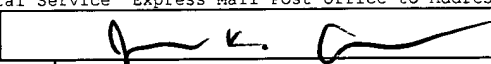
If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 08-2025.

Respectfully Submitted,

Michael T. Roeder

Dated: <u>April 23, 2008</u>

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